

Stat. 3178, related to other contract requirements, prior to the general revision of this subchapter by Pub. L. 100-713.

AMENDMENTS

1992—Pub. L. 102-573, § 501(b)(2)(D), inserted “and grants” in section catchline.

Subsec. (a). Pub. L. 102-573, § 501(b)(2)(A), added subsec. (a) and struck out former subsec. (a) which read as follows: “Under authority of section 13 of this title, the Secretary, through the Service, may enter into contracts with urban Indian organizations situated in urban centers for which contracts have not been entered into under section 1653 of this title. The purpose of a contract under this section shall be the determination of the matters described in subsection (b)(1) of this section in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract under section 1653 of this title with the urban Indian organization with which the Secretary has entered into a contract under this section.”

Subsec. (b). Pub. L. 102-573, § 501(b)(2)(B), inserted “, or grant made,” after “contract entered into” in introductory provisions and substituted “, or carry out the requirements of the grant, within one year after the date on which the Secretary and such organization enter into such contract, or within one year after such organization receives such grant, whichever is applicable.” for “within one year after the date on which the Secretary and such organization enter into such contract.” in par. (2).

Subsec. (c). Pub. L. 102-573, § 501(b)(2)(C), inserted “, or grant made,” after “entered into”.

§ 1655. Evaluations; renewals

(a) Contract compliance and performance

The Secretary, through the Service, shall develop procedures to evaluate compliance with grant requirements under this subchapter and compliance with, and performance of contracts entered into by urban Indian organizations under this subchapter. Such procedures shall include provisions for carrying out the requirements of this section.

(b) Annual onsite evaluation

The Secretary, through the Service, shall conduct an annual onsite evaluation of each urban Indian organization which has entered into a contract or received a grant under section 1653 of this title for purposes of determining the compliance of such organization with, and evaluating the performance of such organization under, such contract or the terms of such grant.

(c) Noncompliance or unsatisfactory performance

If, as a result of the evaluations conducted under this section, the Secretary determines that an urban Indian organization has not complied with the requirements of a grant or complied with or satisfactorily performed a contract under section 1653 of this title, the Secretary shall, prior to renewing such contract or grant, attempt to resolve with such organization the areas of noncompliance or unsatisfactory performance and modify such contract or grant to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract or grant with such or-

ganization and is authorized to enter into a contract or make a grant under section 1653 of this title with another urban Indian organization which is situated in the same urban center as the urban Indian organization whose contract or grant is not renewed under this section.

(d) Contract and grant renewals

In determining whether to renew a contract or grant with an urban Indian organization under section 1653 of this title which has completed performance of a contract or grant under section 1654 of this title, the Secretary shall review the records of the urban Indian organization, the reports submitted under section 1657 of this title, and, in the case of a renewal of a contract or grant under section 1653 of this title, shall consider the results of the onsite evaluations conducted under subsection (b).

(Pub. L. 94-437, title V, § 505, as added Pub. L. 100-713, title V, § 501, Nov. 23, 1988, 102 Stat. 4822; amended Pub. L. 102-573, title V, § 501(b)(3), Oct. 29, 1992, 106 Stat. 4568.)

PRIOR PROVISIONS

A prior section 1655, Pub. L. 94-437, title V, § 505, Sept. 30, 1976, 90 Stat. 1412; Pub. L. 96-537, § 7, Dec. 17, 1980, 94 Stat. 3179, related to reports by urban Indian organizations and rural Indian organizations to Secretary, contents, audit of reports and records, prior to the general revision of this subchapter by Pub. L. 100-713.

AMENDMENTS

1992—Pub. L. 102-573, § 501(b)(3)(E), substituted “renewals” for “contract renewals” in section catchline.

Subsec. (a). Pub. L. 102-573, § 501(b)(3)(A), inserted “compliance with grant requirements under this subchapter and” before “compliance with, and”.

Subsec. (b). Pub. L. 102-573, § 501(b)(3)(B), inserted “or received a grant” after “entered into a contract” and “or the terms of such grant” before period at end.

Subsec. (c). Pub. L. 102-573, § 501(b)(3)(C), inserted “the requirements of a grant or complied with” after “has not complied with”, “or grant” after “such contract” wherever appearing, “or make a grant” after “enter into a contract”, and “or grant” after “whose contract”.

Subsec. (d). Pub. L. 102-573, § 501(b)(3)(D), inserted “or grant” after “a contract” wherever appearing.

§ 1656. Other contract and grant requirements

(a) Federal regulations; exceptions

Contracts with urban Indian organizations entered into pursuant to this subchapter shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of sections 3131 and 3133 of title 40.

(b) Payment

Payments under any contracts or grants pursuant to this subchapter may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this subchapter.

(c) Revision or amendment

Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization, revise or amend any contract entered into by the Sec-

retary with such organization under this subchapter as necessary to carry out the purposes of this subchapter.

(d) Existing Government facilities

In connection with any contract or grant entered into pursuant to this subchapter, the Secretary may permit an urban Indian organization to utilize, in carrying out such contract or grant, existing facilities owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for the use and maintenance of such facilities.

(e) Uniform provision of services and assistance

Contracts with, or grants to, urban Indian organizations and regulations adopted pursuant to this subchapter shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts or grants by such organizations.

(f) Eligibility for health care or referral services

Urban Indians, as defined in section 1603(f)¹ of this title, shall be eligible for health care or referral services provided pursuant to this subchapter.

(Pub. L. 94-437, title V, § 506, as added Pub. L. 100-713, title V, § 501, Nov. 23, 1988, 102 Stat. 4823; amended Pub. L. 102-573, title V, § 501(b)(4), Oct. 29, 1992, 106 Stat. 4568.)

REFERENCES IN TEXT

Section 1603(f) of this title, referred to in subsec. (f), was redesignated section 1603(28) of this title by Pub. L. 111-148, title X, § 10221(a), Mar. 23, 2010, 124 Stat. 935.

CODIFICATION

"Sections 3131 and 3133 of title 40" substituted in subsec. (a) for "the Act of August 24, 1935 (40 U.S.C. 270a, et seq.)" on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

PRIOR PROVISIONS

A prior section 1656, Pub. L. 94-437, title V, § 506, Sept. 30, 1976, 90 Stat. 1412; Pub. L. 96-537, § 7, Dec. 17, 1980, 94 Stat. 3179, authorized appropriations, prior to the general revision of this subchapter by Pub. L. 100-713.

AMENDMENTS

1992—Pub. L. 102-573, § 501(b)(4)(D), inserted "and grant" in section catchline.

Subsec. (b). Pub. L. 102-573, § 501(b)(4)(A), inserted "or grants" after "any contracts".

Subsec. (d). Pub. L. 102-573, § 501(b)(4)(B), inserted "or grant" after "contract" in two places.

Subsec. (e). Pub. L. 102-573, § 501(b)(4)(C), inserted ", or grants to," after "Contracts with" and "or grants" after "such contracts".

§ 1657. Reports and records

(a) Quarterly reports

For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract entered into, or a grant received, pursuant to this subchapter, such organization shall submit to the Secretary a quarterly report including—

- (1) in the case of a contract or grant under section 1653 of this title, information gathered

pursuant to clauses (10) and (11) of subsection (a) of such section;

- (2) information on activities conducted by the organization pursuant to the contract or grant;

- (3) an accounting of the amounts and purposes for which Federal funds were expended; and

- (4) such other information as the Secretary may request.

(b) Audit by Secretary and Comptroller General

The reports and records of the urban Indian organization with respect to a contract or grant under this subchapter shall be subject to audit by the Secretary and the Comptroller General of the United States.

(c) Cost of annual private audit

The Secretary shall allow as a cost of any contract or grant entered into under section 1653 of this title the cost of an annual private audit conducted by a certified public accountant.

(d) Health status, services, and areas of unmet needs; child welfare

- (1) The Secretary, acting through the Service, shall submit a report to the Congress not later than March 31, 1992, evaluating—

- (A) the health status of urban Indians;

- (B) the services provided to Indians through this subchapter;

- (C) areas of unmet needs in urban areas served under this subchapter; and

- (D) areas of unmet needs in urban areas not served under this subchapter.

- (2) In preparing the report under paragraph (1), the Secretary shall consult with urban Indian health providers and may contract with a national organization representing urban Indian health concerns to conduct any aspect of the report.

- (3) The Secretary and the Secretary of the Interior shall—

- (A) assess the status of the welfare of urban Indian children, including the volume of child protection cases, the prevalence of child sexual abuse, and the extent of urban Indian coordination with tribal authorities with respect to child sexual abuse; and

- (B) submit a report on the assessment required under subparagraph (A), together with recommended legislation to improve Indian child protection in urban Indian populations, to the Congress no later than March 31, 1992.

(Pub. L. 94-437, title V, § 507, as added Pub. L. 100-713, title V, § 501, Nov. 23, 1988, 102 Stat. 4823; amended Pub. L. 101-630, title V, § 507, Nov. 28, 1990, 104 Stat. 4566; Pub. L. 102-573, title V, § 501(b)(5), Oct. 29, 1992, 106 Stat. 4568.)

PRIOR PROVISIONS

A prior section 1657, Pub. L. 94-437, title V, § 507, Sept. 30, 1976, 90 Stat. 1412; Pub. L. 96-537, § 7, Dec. 17, 1980, 94 Stat. 3179, related to review of program by Secretary and report to Congress, prior to the general revision of this subchapter by Pub. L. 100-713.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-573, § 501(b)(5)(A), inserted ", or a grant received," after "entered into" in introductory provisions and "or grant" after "contract" in pars. (1) and (2).

¹ See References in Text note below.